

522D.9 Injunctive relief.

1. A person may bring an action in district court to enjoin another person from acting as a navigator in violation of [section 522D.2](#). However, before bringing an action in district court to enjoin a person pursuant to [this section](#), the person shall file a complaint with the insurance division alleging that another person is acting as a navigator in violation of [section 522D.2](#).

2. If the division makes a determination to proceed administratively against the person for a violation of [section 522D.2](#), the complainant shall not bring an action in district court against the person pursuant to [this section](#) based upon the allegations contained in the complaint filed with the division.

3. If the division does not make a determination to proceed administratively against the person for a violation of [section 522D.2](#), the division shall issue, by ninety days from the date of filing of the complaint, a release to the complainant that permits the complainant to bring an action in district court pursuant to [this section](#).

4. The filing of a complaint with the division pursuant to [this section](#) tolls the statute of limitations pursuant to [section 614.1](#) as to the alleged violation for a period of one hundred twenty days from the date of filing the complaint.

5. Any action brought in district court by a complainant against a person pursuant to [this section](#), based upon the allegations contained in the complaint filed with the division, shall be brought within one year after the ninety-day period following the filing of the complaint with the division, or the date of the issuance of a release by the division, whichever is earlier.

6. If the court finds that the person is in violation of [section 522D.2](#) and enjoins the person from acting as a navigator in violation of that section, the court's findings of fact and law, and the judgment and decree, when final, shall be admissible in any proceeding initiated pursuant to [section 522D.8](#) by the commissioner against the person enjoined and the person enjoined shall be precluded from contesting in that proceeding the court's determination that the person acted as a navigator in violation of [section 522D.2](#).

2012 Acts, ch 1138, §129